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## UPDATE

**Senators amend,  
advance additional  
sex offender  
restrictions**

**L**awmakers adopted three amendments April 29 before advancing a bill intended to update the state's criminal code dealing with registered sex offenders.

LB97, introduced by Omaha Sen. Scott Lautenbaugh at the request of the state attorney general, would create the offense of unlawful use of the Internet by a registered sex offender and enhance the penalties for crimes relating to enticement of a child and the manufacture, possession and trafficking of child pornography.

On a 36-0 vote, senators adopted an amendment offered by Platte Center Sen. Arnie Stuthman that incorporated LB290 into the bill.

LB290, sponsored by Stuthman, would prohibit both employees and volunteers who have been convicted of any crime involving moral turpitude, or who have been charged with or indicted for a felony or crime of moral turpitude in a case that has not been resolved, from providing transportation to vulnerable Nebraskans or those under 19 years old through contracts with the state Department of Health and Human Services.

The bill would require individuals to provide two sets of fingerprints to the Nebraska State Patrol, which would then be submitted to the FBI for a national criminal history information check. Individuals would pay the cost of fingerprinting and the background check.

*continued on page 3***Safe haven bills  
bundled, advanced**

*Sen. Annette Dubas, sponsor of LB356, part of the LB603 omnibus package, urged senators to follow through on their commitment to solving the state's behavioral health problems.*

**A** bill originally intended to improve community-based behavioral health services in Nebraska was amended April 30, becoming an omnibus proposal to address issues highlighted by the state's 2008 safe haven law.

LB603, introduced by Papillion Sen. Tim Gay on behalf of the Health and Human Services Committee, would create a behavioral health education center to be administered by the University of Nebraska Medical Center.

During select file debate, Gay offered an amendment incorporating four additional bills. He said con-

solidating the bills into one proposal would allow the state to develop a comprehensive approach to behavioral health services delivery.

LB136, sponsored by Lincoln Sen. Bill Avery, would increase the SCHIP eligibility level from 185 percent of the federal poverty level to 200 percent. The bill originally contained other eligibility expansions that were removed by an amendment during general file debate.

LB346, sponsored by Gay, would establish a 24-hour, seven-day a week behavioral health hotline in

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# A CLOSER LOOK.....

## Safe haven bills bundled, advanced

*continued from front page*

Nebraska to provide screening, assessment and referrals to existing community-based resources. The hotline would be staffed by trained personnel under the direct supervision of a qualified mental health professional. The bill also would require the establishment of voluntary post-adoption and post-guardianship case management services and a peer support program for families in crisis.

LB356, sponsored by Fullerton Sen. Annette Dubas, would allow parents to request temporary behavioral health services for their child from one of the state's six behavioral health regions. The child would be assessed by HHS and a treatment plan created. An updated treatment plan would be agreed upon after 90 days of services.

The bill's appropriation was capped at \$15 million per year during general file debate. As amended into LB603, the appropriation was reduced to \$500,000 for fiscal year 2009-10 and \$1 million for FY2010-11.

LB601, sponsored by Omaha Sen. Jeremy Nordquist, would require HHS to seek by July 1, 2010, either a Medicaid waiver or an amendment to the state's existing Medicaid plan to cover subacute services, both in hospital and non-hospital settings, and secure residential services. The bill also would require continuation of Medicaid coverage for subacute services, regardless of whether a recipient has been ordered by a mental health board to receive such services.

The amendment also would create

a nine-member Children's Behavioral Health Oversight Committee as a special legislative committee.

Senators would be appointed by the Executive Board and would include two members each from the

**“We must move from rhetoric to action. ... We owe it to the state of Nebraska.”**

**-- Sen. Annette Dubas**

Appropriations, Health and Human Services and Judiciary committees and three at-large members. The committee would be charged with monitoring the implementation and effectiveness of behavioral health services provision to Nebraska's children and their families.

The committee would meet quarterly with HHS and report to the governor and the Legislature by Dec. 1 of each year.

Gay said the committee would provide an important oversight role for the Legislature in ensuring that the measures contained in LB603 work the way senators intend.

Lincoln Sen. Kathy Campbell agreed, adding that the evaluation components attached to the hotline and post-adoption services provisions also would assist with oversight.

“The anecdotal information from parents was heart-wrenching and important,” she said. “Now we need to back all of this up with good data.”

Norfolk Sen. Mike Flood said the amendment represents “an effective, affordable response” to the state's behavioral health needs. The total

appropriation for the package is \$16.2 million over the coming biennium. Flood said the cost could have been over \$120 million had the bills not been bundled and pared down.

Dubas said the Legislature must maintain focus on the state's behavioral health needs after passage of the omnibus bill.

“No more empty promises,” she said. “We must move from rhetoric to action. We owe it to these children; we owe it

to these families; we owe it to the state of Nebraska.”

The amendment was adopted 42-1.

Among other provisions, LB603 also would:

- provide funds for two additional psychiatry residents per year in a Nebraska-based program, up to a total of eight residents by 2013;
- require center-funded residents to participate in rural training;
- focus behavioral health professional training on telehealth techniques and other innovative means of care delivery;
- analyze the geographic and demographic availability of behavioral health professionals in Nebraska; and
- develop six interdisciplinary training sites, four of which must be in counties with a population under 50,000.

Following advancement of the bill on a 41-1 vote, senators agreed to indefinitely postpone each of the bills that were amended into LB603. ■

# A CLOSER LOOK.....

## Senators amend, advance additional sex offender restrictions

*continued from front page*

Persons providing transportation services on the effective date of the bill would be required to submit to a criminal history information check, and all employees would have to submit to a check every two years.

The state patrol could not release the contents of the criminal history information check, but would be required to indicate in writing to the individual and the employer whether or not the person has a criminal record.

Senators also adopted an amendment 36-0 offered by Lautenbaugh that struck language in LB97 requiring registered sex offenders to consent to searches of any computer they have used. The amendment was a response to concerns raised on general file regarding public and business computers used by offenders, he said.

Following adoption of a technical amendment, LB97 advanced to final reading by voice vote.

As amended on general file, LB97 also would:

- change the offense of online enticement using a computer to online enticement using an electronic communication device, which would include PDAs or cell phones;
- expand the definition of visual depiction of sexually explicit conduct to include undeveloped films and videotapes and images on a computer screen;
- eliminate the applicability of the statute of limitations for the crime of incest;
- describe rules and procedures for introducing child pornog-

raphy in court and for sharing child pornography evidence with the defense through the discovery process;

- require judges to inform sex offenders at sentencing that they will be required to disclose pertinent computer and Internet information to law enforcement and that they are prohibited from accessing and using social networking sites;
- add the crime of enticement by electronic communication device to the list of registered offenses;
- allow for service of search warrants and subpoenas on Internet service providers headquartered in other jurisdictions but doing business in Nebraska;
- require the addition of driver's licenses, e-mail address, instant messaging screen names and other Internet communication identifiers to the database of registered sex offenders;
- require written notification by the next working day of any changes to a sex offenders' Internet communication identifiers;
- expand the crime of sexual assault on a child to include instances of penetration of a person at least 12 years old, but younger than 16 years old, by a person at least 25 years old;
- provide lesser penalties for possession of child pornography for those younger than 19 years old;
- establish an affirmative defense for individuals under 18 when

the image in question portrays a child at least 15 years old who is alone in an image created knowingly and voluntarily, and the image has not been made available to anyone except the receiver and the individual who generated the image; and

- allow the introduction of evidence of other sexual misconduct or sexual offenses committed by an alleged perpetrator. ■

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## Agriculture

### State fair move directives advance

The transfer of the Nebraska State Fair from Lincoln to Grand Island would be affected by a bill receiving first-round approval April 29.

LB224, sponsored by Holdrege Sen. Tom Carlson, would establish Jan. 1, 2010, as the date for the transition of the state fair to its new host city. The bill would require that the state Department of Revenue provide notice of quarterly lottery collections to the city of Grand Island beginning April 1, 2010.

An Agriculture Committee amendment would permit the city of Grand Island to include relocation of existing improvements as part of its required contribution for the fair's move.

The amendment also would permit state fair facilities to be located on property adjacent to the new fair site at Fonner Park and transfer a pari-mutuel tax credit from the Nebraska State Fairgrounds to Fonner Park. Under the credit, 2.5 percent of the first taxable \$70 million at each race held would be allocated for maintenance and improvements at the fair site.

Carlson said project bids for the fair are under budget, which means crediting the city of Grand Island \$1.5 million for moving ball fields from the proposed fair site will not result in requests for additional funds.

Wilber Sen. Russ Karpisek voiced opposition to the committee amend-



Sen. Tom Carlson

ment. The city had planned to move the ball fields prior to the State Fair proposal, he said, so credit should not be granted.

"The bottom line is: Grand Island is asking for \$1.5 million to be credited to their park for the \$8.5 million they were going to give for the fair," Karpisek said. "If you promise to pay \$8.5 million, pay \$8.5 million."

Grand Island Sen. Mike Gloor said original plans for the state fair site kept the ball fields intact for the most part. Development plans, however, will require their relocation, he said, which will be expensive for the city.

"There is a real expense involved in moving those ball fields," Gloor said.

The amendment was adopted 28-4, and LB224 advanced to select file 32-4.

### Senators advance bill to change dog, cat operator inspections

Lawmakers advanced a bill April 30 aimed at enhancing the state Department of Agriculture's authority to enforce the Commercial Dog and Cat Operator Inspection Act.

LB241, introduced by Omaha Sen. Rich Pahls, would expand the



Sen. Rich Pahls

definition of "premise" in regard to breeding facilities. Pahls said the department currently has the authority to review the premises of breeding facilities; however, there is no statutory definition of "premise."

If there is reason to suspect unreasonable sanitation or housing conditions exist, the department may issue a "stop-movement order" under the bill, which would prevent the movement or removal of any dog or cat from the premise until the department completes an inspection and lifts the order.

The bill would define "commercial breeder" as any person who:

- sells, exchanges, leases or transfers 31 or more dogs or cats in a year;
- owns or harbors four or more dogs or cats for breeding purposes in a year;
- possesses dogs or cats that produce four or more litters within a year; or
- sells, exchanges or leases dogs or cats for later retail sale or brokered trading.

In addition, the bill would limit commercial breeders to owning no more than 250 unaltered dogs or cats more than one year old, though existing operations would be allowed to maintain the number of animals at their facility on the effective date





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of the bill.

The Agriculture Committee offered an amendment, adopted 33-0, which would remove the 250-animal cap on the size of breeding operations. The amendment would clarify that a business must be actively breeding animals to be considered a commercial breeder.

The committee amendment also outlines a procedure for holding an immediate hearing to contest a stop-movement order.

Holdrege Sen. Tom Carlson said the bill could result in more inspections, but was necessary to ensure appropriate treatment of animals.

"It really doesn't matter if they are in the business or not," Carlson said. "They need to treat the animals well."

Ewing Sen. Cap Dierks offered an amendment that would incorporate provisions from LB588, which would set regulations for pet shops, breeders and dealers to guarantee the health of their animals.

Dierks' amendment would provide recourse for those who unknowingly purchase pets that suffer from a serious health problem or contagious disease resulting in severe illness or death. A pet purchaser would be entitled to a full refund, a new pet of equivalent value or reimbursement for veterinary fees if his or her pet is diagnosed with a serious health problem within seven days of being delivered from a breeder.

The provisions would not apply to animal shelters and animal control entities.

Dierks said the amendment would help reputable dealers and breeders as well as offer protections for pet buyers.

"This bill was designed to help people who buy animals from a seller," Dierks said.

The amendment was adopted 32-0 and LB241 advanced on a 33-0 vote.

## Business & Labor

### Workers' compensation clean-up bill advanced

Lawmakers gave first-round approval April 28 to a bill that would make changes to workers' compensation laws.

LB630, introduced by Omaha Sen. Steve Lathrop on behalf of the Nebraska Workers' Compensation Court, would make several technical changes to the workers' compensation system.

As introduced, the bill would:

- allow electronic compensation payments;
- remove a requirement that the court must keep records in its State Capitol Building office;
- require acceptance by the court before electronic notice is considered given;
- clarify that any settlement or agreement is voluntary and not final until approved by the court;
- allow vocational rehabilitation counselors to submit disputes for informal dispute resolution;
- remove a requirement that a duplicate original application for lump sum settlement approval be presented to the court; and
- change the reimbursement



Sen. Steve Lathrop

date to Jan. 1, 2011, for inpatient trauma services under the inpatient hospital fee schedule.

A committee amendment struck the provisions relating to electronic payments and court records and incorporated the provisions of three additional bills.

As introduced, LB194, sponsored by Lincoln Sen. Danielle Nantkes, would have allowed lump sum settlements to become final without court approval provided the employee is represented by counsel. The bill also would require the employee or his or her dependent's representative, and the employee's attorney, to file a release confirming the settlement as a full and complete discharge from further liability.

The committee amendment would retain the requirement of court approval of lump sum settlements if:

- the individual is not represented by counsel;
- the employee is a Medicare beneficiary or is eligible, or has a reasonable expectation of becoming eligible, within 30 months of the settlement;
- Medicaid will not be reimbursed or medical expenses will not be paid as part of the settlement; or
- the case involves death and payments will be made to dependents.

If a settlement does not require court approval, a release must be signed indicating that the employee understands their rights afforded under the Nebraska Workers' Compensation Act.

As introduced, LB243, also sponsored by Nantkes, would annually update permanent disability benefit amounts to account for cost of living increases. The committee amend-

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ment would provide for an annual review of permanent disability awards rather than an automatic increase and would provide either  $66 \frac{2}{3}$  of the individual's weekly wage or the maximum amount currently allowed in statute, whichever is less.

LB453, sponsored by Tekamah Sen. Kent Rogert, would allow exempted agricultural employers to notify employees that they are not covered by workers' compensation insurance either at the time of hiring or at any time more than 30 days prior to an injury.

Lathrop said the committee amendments represented a benefit to all parties: agriculture, business owners and workers.

"The bills are an attempt by the Business and Labor Committee to strike a balance," he said. "If there is a theme, it's that there is a little bit of something for everyone."

Ogallala Sen. Ken Schilz introduced an amendment to the committee amendment that would strike all provisions relating to a cost of living increase for permanent disability benefit recipients.

Lathrop opposed the Schilz amendment, saying it would strip out the only portion of the bill that benefits workers and would destroy the balance of competing interests the committee had sought to achieve.

"Today, people who work for a living are at the Legislature's door and they are asking for a modest increase," he said.

But several senators expressed concern that even a modest increase in permanent disability benefits also would increase workers' compensation premiums for small businesses, an outcome few could afford in the current economic climate.

Sen. Tony Fulton of Lincoln said the workers' compensation premi-

ums for his business in the first year were approximately \$12,000.

"It just about sunk me," he said. "For a small business that is trying to start up, every cost means something."

Omaha Sen. Scott Lautenbaugh supported the Schilz amendment and said that keeping workers' compensation premiums low would ensure that businesses stay open and employees keep their jobs.

"If it benefits the employer, it just as surely benefits the employee," he said.

But Sen. Brenda Council of Omaha said that permanent disability payments comprise 2.7 percent of all costs associated with the workers' compensation system and that premiums are based on the level of risk associated with a particular business, not on benefits paid.

"We have to consider this amendment and the underlying bill in the proper context," she said.

Nantkes also opposed the Schilz amendment, saying businesses have a variety of resources to call upon in difficult economic times.

"An injured worker does not," she said. "This is a step backward for injured workers in our state."

The Schilz amendment was adopted 29-17.

Senators adopted the committee amendment 42-2 and advanced LB630 to select file on a 42-3 vote.

## Education

### Bill would help fund career education student organizations

Senators advanced a bill April 27 that would provide state funding for career education student organiza-

tions.

LB476, introduced by Platte Center Sen. Arnie Stuthman would create the Center for Student Leadership and Extended Learning to provide state financial and administrative support for career education student organizations. These organizations would include FFA, Future Business Leaders of America, Family Career and Consumer Leaders of America, Distributive Education Clubs of America, SkillsUSA, and Health Occupations Students of America.



Sen. Arnie Stuthman

Stuthman, a former FFA member, said the student organizations provide an important opportunity for students to learn career-oriented skills.

"It gave me an opportunity to gain knowledge in a field of my interest," he said.

Without state funds, the organizations would be unable to hold state-level events after July 2010, Stuthman said. Although the organizations receive federal money and participant dues, he said, the state funds would be used for additional expenses of professional staff salaries, travel, technology and communication.

The bill would cost the state \$450,000 each fiscal year.

The Education Committee offered an amendment that would repeal the Career Education Partnership Act, thereby freeing up the \$450,000 per year required by the bill. York Sen. Greg Adams said the state's fiscal situation forced the committee to make hard decisions.

"It was this or that. It literally came down to that," he said. "[LB476] has more direct contact with students

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and therefore should be a greater priority.”

The committee amendment was adopted 40-0 and LB476 advanced to select file on a 44-0 vote.

## State aid to schools compromise reached

Senators advanced a bill April 30 aimed at slowing the growth of state aid to schools.

LB545, introduced by York Sen. Greg Adams, originally would have reduced state aid to schools, but was amended to use \$234 million of federal stimulus funds to increase state aid. The current state aid funding formula calls for \$295 million, Adams said.



Sen. Greg Adams

Debate spanned over four days and centered on how to address the \$61 million gap between the available federal stimulus funds and what the current formula demands.

An amendment offered by the Education Committee would address the gap by reducing the averaging adjustment figure included in the state aid formula by 10 percent. Because large districts often spend less per student than small districts, the averaging adjustment was designed to help close the gap between the average spent per student in large and small districts. Under current law, the state contributes 100 percent of the difference between the statewide average amount spent per student and the average spent per student in large districts.

The averaging adjustment, created under last year's LB988, has caused unexpectedly large and unsustainable

growth in the formula, Adams said.

Although larger districts would receive significantly less than expected under the amendment, Adams said it would result in a 10 percent increase in state aid overall from the previous year.

But several senators said reducing the averaging adjustment is unfair because large districts would bear the brunt of the reduction. Omaha Public Schools, for example, would receive \$6.3 million less next year than school officials expected based on the current school aid formula.

Omaha Sen. Tom White said reducing the averaging adjustment would give less funding to the schools that need it most – large districts in high-need areas.

After two amendments aimed at increasing aid to larger school districts failed, White offered a motion to bracket LB545 until June 4, which would effectively kill the bill.

But he withdrew the motion April 30 when Adams offered an amendment to the committee amendment, adopted 46-0, which would lessen the impact on larger school districts.

Adams' amendment would reduce retirement aid for non-equalized districts from \$30 million to \$15 million per year. The reduction reflects changes proposed in LB187, which would require a 1 percent rather than a 2 percent additional employer contribution for the next five years. These changes would free up a total of \$30 million dollars over the next two years, Adams said.

Although some districts would receive less money under the amendment, Adams said those districts would need less because they will not have to boost contributions to employee retirement accounts as much as had been expected.

In response to the reduction of

employer retirement contributions, the cost growth factor also would be decreased by 0.5 percent in fiscal year 2009-10 and by 1 percent in FY2010-11. The averaging adjustment threshold would be the prior year's amount increased by the basic allowable growth rate plus 0.5 percent or the statewide basic funding per formula student – whichever is smaller.

Adams said specific numbers would be available next week from the state Department of Education.

White supported Adams' amendment.

"I'm hopeful that this will solve our problems," White said. "We will try to find an accommodation that allows for a future for all children."

Other provisions of the bill, as amended, would:

- recreate reorganization incentives by allocating \$800,000 in lottery funds to small school districts that consolidate;
- reformulate an existing hold harmless provision in learning communities;
- exempt from spending lids early retirement agreements made before July 1, 2009;
- make changes to employer retirement contributions, excluding them from spending lids and future general fund operating expenditures;
- reduce school district spending authority from 2.5 percent of their general fund operating expenditures to 1.5 percent;
- base the instructional time allowance on the statewide average rather than on a comparison group average;
- enable school districts to use stimulus bond programs with the current levy cap of 5.2 cents per \$100 valuation; and
- set the certification date for



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state aid to schools as March 1 for next year.

The committee amendment was adopted 47-0 and LB545 advanced to select file on a 47-0 vote.

## Executive Board

### Plans for state expenditure Web site advance

The Legislature would commission a Web site detailing state expenditures under a bill receiving first-round approval April 30.

LB16, introduced by Omaha Sen. Tom White, would require that the Legislature develop a searchable Web site detailing state fund expenditures. Information for each expenditure would include:



Sen. Tom White

- the name and location of the recipient;
- the amount expended;
- the type of transaction;
- the funding or expending agency;
- the budget program source; and
- a description of the expenditure's purpose.

In addition, tax credits issued as part of state tax incentive programs would be included on the site.

"LB16 is an act designed to give people of the state of Nebraska what they need to truly be the second house of the Legislature," White said. "We will not only save dollars and cents; we will reaffirm citizens' faith in state government."

Though the bill would call for a \$100,000 appropriation to build the site, White said, federal dollars

designated for tracking federal stimulus fund expenditures in Nebraska could be used to cover the majority of expenses associated with the site, possibly even paying for the entire project.

The Executive Board offered an amendment, adopted 32-0, requiring that information provided on the site be reviewed and approved by the committee. It also would mandate that the Web site be operational by Aug. 1, 2010.

White offered an amendment that would direct the state treasurer to compile and maintain the content for the Web site. If the treasurer should refuse, responsibility for the site would fall to the Clerk of the Legislature. The same would apply if the treasurer's assumption of these duties were declared unconstitutional.

Although a state spending site currently is maintained by the treasurer, White said the site includes only expenditures of \$500,000 or greater and does not provide tax incentive information.

Public information about state spending should not be a decision left to one person, White said. LB16 would ensure the information is readily available even if the next treasurer chooses not to maintain the site, he said.

Omaha Sen. Pete Pirsch said he was concerned the bill would duplicate time and money already spent to provide information on the treasurer's Web site. He suggested the new site be built upon the work of the existing site in order to "[use] the wheel that is already invented."

"What I fear is that we discard the wheel and start from square one as far as costs are concerned," Pirsch said.

White's amendment was adopted 30-0 and LB16 advanced to select file 39-0.

## General Affairs

### Bill would allow liquor licenses for culinary programs

Nebraska community colleges with culinary education programs would be allowed to receive catering and Class I liquor licenses under a bill given first-round approval April 29.

Omaha Sen. Jeremy Nordquist, sponsor of LB232, said the bill would allow community colleges to compete with programs at other schools without alcohol restrictions.



Sen. Jeremy Nordquist

"It would allow culinary schools to offer a better, more realistic experience," he said.

The bill would allow alcohol sales only at events held by a culinary education program on a community college campus or at events catered by such a program as part of the program's requirements.

"Programs would be strictly monitored," Nordquist said. "All alcohol would be stored under lock and key."

Senators advanced LB232 to select file on a 32-0 vote.

### Lottery fund distribution change amended, advanced

Lawmakers amended and advanced a measure April 29 that would remove a sunset date from provisions directing the distribution of state lottery monies to lottery beneficiary funds.

Beneficiary funds receiving transfers from the State Lottery Operation Trust Fund are the Education Innovation Fund, Nebraska Scholarship

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Fund, Nebraska Environmental Trust Fund, Nebraska State Fair Board and the Compulsive Gamblers Assistance Fund.

LB286, introduced by Wilber Sen. Russ Karpisek, would remove the sunset date and provide that the amount transferred be the greater of the dollar amount transferred in fiscal year 2002-03 or at least 22 percent, but not more than 25 percent, of annual lottery ticket sales.

The bill also would authorize the tax commissioner and lottery director to transfer available funds exceeding 25 percent of sales.

On select file, Karpisek offered an amendment that would incorporate LB287 into the bill.

LB287, introduced by Karpisek on behalf of the General Affairs Committee, would allow licensed organizations to use up to 10 percent of pickle card profits to pay for allowable expenses.

Karpisek explained that sales agents deliver pickle cards to bars and other entities and are paid on commission. Because a sales agent's commission is paid from allowable expenses, which have not increased in 14 years, commissions also have not increased. The low commission makes it difficult for organizations to find individuals willing to deliver pickle cards, he said.

The increase in allowable expenses would result in a net gain of 2 percent in a sales agent's commission, Karpisek said, providing an incentive for greater pickle card usage by licensed organizations.

After adopting the amendment 36-0, senators advanced LB286 to final reading by voice vote.

## Health & Human Services

### HHS clean-up bill clears first round

Senators gave first-round approval April 30 to a bill that would make changes to various aspects of health and human services in Nebraska.

LB288 is the annual clean-up bill for the Health and Human Services Committee, introduced by chairperson Sen. Tim Gay of Papillion on behalf of the state Department of Health and Human Services.



Sen. Tim Gay

Among other technical changes, the bill would:

- change re-licensure provisions for public water system operators under the Safe Drinking Water Act;
- update terminology in the Developmental Disabilities Services Act;
- expand disciplinary provisions for pharmacy technicians; and
- delete references to an obsolete nursing pilot program.

A committee amendment, adopted 30-0, added provisions of six other bills.

LB172, introduced by Gay, would establish a cash fund for recoveries received for the state's costs and attorneys fees pursuant to the False Medicaid Claims Act. The fund would be maintained by the state Department of Justice and administered by the attorney general's office, where the Medicaid fraud unit is housed. Money in the fund would be used to

pay salaries and related expenses for the Medicaid fraud unit.

The bill would authorize a \$215,000 one-time transfer in July 2009 from the Health and Human Services Cash Fund to cover one year of operating expenses.

LB173, also introduced by Gay, would allow unused prescription drugs or devices dispensed under a valid prescription to a prisoner or detainee at a state Department of Correctional Services facility, criminal or juvenile detention facility or jail to be returned to the dispensing pharmacy.

Drugs or devices could then be relabeled and re-dispensed to a different prisoner or detainee at another such facility pursuant to a valid prescription. The bill would require a drug or device to be returned in the original and unopened package and to be properly stored.

The Jail Standards Board, in consultation with the Board of Pharmacy, would be required to adopt additional rules governing drug return and redistribution.

LB371, introduced by Lincoln Sen. Kathy Campbell, would make changes to the state's Medicaid Reform Council. The bill would require the council to meet quarterly and report to the Legislature annually.

The bill also would:

- require the governor to appoint council members;
- add the chairperson of the Legislature's Health and Human Services Committee as a nonvoting, ex-officio council member; and
- require HHS's annual report to include a response to each specific recommendation provided by the council.

LB390, introduced by Lincoln Sen. Colby Coash, would require HHS to apply, no later than June 30, 2009,

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for a Medicaid waiver to amend the state's reimbursement method for community-based developmental disability services funded through the HHS developmental disabilities division. The bill would change the reimbursement method from an hourly to a daily rate.

The department would be required to change the state's reimbursement method within 60 days of waiver approval.

LB462, introduced by Ewing Sen. Cap Dierks, would eliminate existing informed consent provisions relating to testing for human immunodeficiency virus (HIV). The bill would add new provisions requiring that informed consent include an explanation of HIV infection and the meaning of both positive and negative test results.

In addition, a separate consent for HIV testing would no longer be required, provided that a patient or his or her legal representative signs a general consent form.

LB599, introduced by Omaha Sen. Gwen Howard, would require a health care facility or practitioner, upon written request, to provide a free, itemized billing statement that includes diagnostic codes within 14 days of a request.

Lawmakers advanced LB288 to select file on a 29-0 vote.

## Medicaid coverage for feeding disorders sought

An alternative treatment for pediatric feeding disorders could be covered by the state's Medicaid program under a bill given first-round approval April 29.

Introduced by Papillion Sen. Tim Gay, LB342 would



Sen. Tim Gay

require the state Department of Health and Human Services to seek approval for Medicaid coverage of behavioral or psychological treatment for pediatric feeding disorders prior to any attempt to utilize invasive surgical techniques.

Gay said non-invasive treatments have proven cost-effective and 90 percent successful in treating children for whom mouth feeding is painful or difficult. Such treatments currently are not covered under the state's Medicaid plan, he said.

Traditional treatment includes surgical placement of a gastrostomy tube, or G-tube, in a child's stomach, Gay said, adding that once a child becomes dependent on a G-tube it is more difficult to transition to normal eating.

Under the bill as introduced, HHS would have had the option either to seek a waiver or submit a state plan amendment seeking coverage for the non-invasive treatment method.

Lincoln Sen. Kathy Campbell offered an amendment that would require HHS by July 1, 2010, to seek an amendment to the state plan rather than a waiver. Amending the state plan would be easier than applying for a waiver, she said.

The amendment also includes a Jan. 1, 2015, sunset date.

The average child with a G-tube receives treatment for five years at a cost of over \$190,000, Campbell said, while the non-invasive treatment offered by the Munroe-Meyer Institute at the University of Nebraska lasts two years at a cost of \$50,000.

Louisville Sen. Dave Pankonin said the bill offers a rare opportunity to improve the quality of sick children's lives and save the state money at the same time.

"This is one of those stories where it's a win all the way around," he said.

After adopting both the Campbell amendment and a technical committee amendment on 39-0 votes, senators advanced the bill to select file 33-0.

## Judiciary

### Bill would make changes to sex offender registration

Lawmakers advanced a bill April 27 that would change several aspects of the sex offender registry.

LB285, introduced by Omaha Sen. Pete Pirsch, would expand information included in the registry and change the verification process for that information. The bill also would expand registry offenses and outline changes in the duration of registration requirements, penalties for failure to register and public access to the information.



Sen. Pete Pirsch

Pirsch said the bill would bring Nebraska into compliance with federal guidelines. Failure to comply by July 27 would result in a 10 percent reduction in federal grant funding for law enforcement, he said.

Under LB285, length of registration would be based solely on the convicted offense, rather than on the offender's risk of recidivism.

Pirsch said basing the length of registration on convictions, rather than on risk of reoffending, ensured fairness.

"We cannot tell, when it comes to sex offenders, who's going to reoffend," he said. "It is more fair to both the offender and the society."



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The Judiciary Committee offered an amendment that would eliminate the retroactive provision of the bill. Omaha Sen. Brad Ashford said it would not be fair to register people for crimes that were not registerable at the time the crime was committed.

The committee amendment was adopted 37-0.

Under LB285, offenders would provide:

- all residency, employment and vehicle information;
- travel and immigration documents;
- professional license information;
- computer and Internet identifiers and addresses;
- cell phone information;
- digital fingerprints and palm prints;
- a digital photograph; and
- a DNA sample.

Initial registration would occur at a Nebraska State Patrol facility within three business days after the conviction. The bill stipulates that verification of registry information be done in person. Fifteen-year registrants would verify the information annually, 25-year registrants would verify every six months and lifetime registrants would verify every three months. Status changes would have to be reported to a county sheriff within three business days.

All registrant changes would be included in the public notification process. Violations of registry requirements would be reported to the U.S. Marshal Service and an arrest warrant would be sought.

Registry offenses would be expanded to include incest, unlawful intrusion, sex-related child abuse, enticement by electronic device, sexual assault of an inmate or protected adult and sexually motivated

offenses.

Offenses punishable by imprisonment for less than one year would require a 15-year registration. After 10 years, 15-year registrants would be eligible to apply for "clean record" consideration if they have successfully completed probation, parole or supervised release and successfully completed a sex offender treatment program.

Offenses punishable by more than one year of imprisonment would require a 25-year registration. Lifetime registration would be required for offenders with prior sex offense convictions, aggravated offenses or a lifetime registration in another jurisdiction.

Pirsch offered a technical amendment, adopted 38-0, and the bill advanced to select file on a 44-0 vote.

## Senators delay bill removing life imprisonment for minors

Lawmakers indefinitely postponed a bill on general file April 29 that would change sentencing requirements for minors.

LB307, introduced by Omaha Sen. Brenda Council, would remove life imprisonment as a possible sentence for people 18 years old and younger who are convicted of a Class I felony.

Under the bill, people who are between the ages of 16 and 18 at the time a Class 1 or Class 1A felony crime is committed would be sentenced to a minimum of 50 years. Those under 16 who commit a Class I or Class 1A felony crime would be sentenced to a minimum of 40 years. Those under 18 who commit a Class 1B felony would be sentenced

to a maximum of 40 years.

Under the bill, 16-year-olds would serve 20 years before being eligible for parole and those between 18 and 25 would serve 25 years before being eligible for parole.

Council offered the motion to indefinitely postpone the bill and senators agreed without objection.

## Penalties for owners of dangerous dogs could increase

Lawmakers advanced a bill April 28 that would change provisions relating to dangerous dogs.

LB494, introduced by Omaha Sen. Beau McCoy, would charge the owner of a dangerous dog with a Class IV felony if the dog mutilates a person or causes the loss of a body part.

A dangerous dog is defined as a dog that, according to the records of an animal control authority, has:

- killed a human being;
- inflicted injury on a human being that required medical treatment;
- killed a domestic animal without provocation; or
- been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination, after which the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

Citing a recent study by the Centers for Disease Control, McCoy said 70 percent of dog attack victims are



Sen. Beau McCoy



Sen. Brenda Council

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children under the age of 11.

"This bill is predominantly about protecting children," he said.

McCoy emphasized that the bill's increased penalties would not pertain to an owner whose dog has no previous record of committing, or attempting to commit, a violent act.

The Judiciary Committee offered an amendment that would exempt owners from penalties if the attack resulted from abusing, assaulting or tormenting the dog or if the victim was trespassing on the owner's property. The committee amendment also would exempt police dogs from the bill's provisions.

Under the committee amendment, the dangerous dog's owner would be exempted if the dog was under the control of a person other than the owner or the owner's family at the time of the attack.

Lincoln Sen. Colby Coash offered an amendment to the committee amendment, adopted 38-1, that would require that a dog be deemed dangerous if it causes injuries resulting in sutures, surgery or treatment for one or more broken bones.

Omaha Sen. John Nelson said he is concerned the felony penalty would be too extreme.

"I think we have to be careful about severe penalties," Nelson said, adding that state prisons are overcrowded.

Bellevue Sen. Abbie Cornett offered, and later withdrew, an amendment to the committee amendment that would have included provisions of LB71 requiring animal care workers who have reason to suspect cases of animal abandonment, neglect or abuse to report such instances to the appropriate investigative entities. The measure also would have provided immunity from liability for those who make reports.

The committee amendment was adopted 39-0 and LB494 advanced to select file on a 40-0 vote.

## Death investigation changes proposed

Lawmakers gave first-round approval April 27 to a bill that would provide more training and resources to Nebraska county attorneys who investigate deaths.

Omaha Sen. Pete Pirsch, sponsor of LB671, said county attorneys would benefit from a more uniform, statewide death investigation process, a goal he said could be accomplished by bolstering the Nebraska County Attorney Standards Advisory Council.

LB671 would grant the council authority to:

- create standardized procedures for death investigations;
- create and distribute uniform checklists of best practices;
- help establish a voluntary investigation support system network;
- establish a region-based state medical examiner system;
- determine medical examiners' duties;
- determine the number of hours required for coroner training;
- review death investigations and offer recommendations for improvement; and
- make available certified forensic pathologists to serve as on-call consultants to law enforcement and county attorneys.

A Judiciary Committee amendment, adopted 37-0, replaced the bill, retaining only the provisions relating to creation of standardized procedures, best practices and es-



Sen. Pete Pirsch

tablishment of a voluntary support network.

The amendment would increase from four to six the number of county attorneys on the advisory council and would allow one member to be a professor of law or forensic science.

In addition, every person elected or appointed as a coroner in Nebraska would be required to complete initial death investigation training within one year and annual continuing education.

Committee chairperson Brad Ashford of Omaha said the bill as written encountered "significant opposition" from state officials who argued that greater uniformity was unnecessary.

"Change is difficult," he said.

Pirsch said a 2008 interim study made clear that Nebraska's expansive geography and lack of resources have created challenges for death investigators.

"We need a standardized, quality death investigation process," he said.

LB671 advanced to select file on a 41-0 vote.

## Natural Resources

### NRD bonding authority advances

A bill that would permit the Papio-Missouri NRD to issue bonds for the financing of flood control and water quality enhancement projects advanced to select file April 28.

Introduced by Papillion Sen. Tim Gay, LB160 would permit an NRD encompassing a met-



Sen. Tim Gay

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ropolitan class city, which includes only the Papio-Missouri NRD, to dedicate a portion of its existing 4.5-cent mill levy for the issuance of bonds approved by a two-thirds vote of its board of directors.

As amended, voter approval would be required if the bond levy rate were to exceed 1 cent. Cities and counties within a watershed would be required to adopt storm water management plans before the issuance of bonds, and counties could block bonds for projects intended for construction within their boundaries.

Kearney Sen. Galen Hadley offered an amendment requiring that bonds be approved by a majority of an NRD's electorate voting in an election. In addition, his amendment would restore the bonding levy authority to 2 cents, reduce supermajority requirements for NRD board approval to a simple majority and eliminate county board veto power.

LB160 would grant NRDs bonding authority for the first time, Hadley said, and therefore bonding proposals should be taken to a vote of the people.

"If you pay the tax ... you ought to be able to vote on it," Hadley said.

Gay spoke in opposition to Hadley's amendment, saying it would unravel seven years of negotiations between proponents and opponents of NRD bonding authority.

"We're in jeopardy of getting nothing done," Gay said.

Grand Island Sen. Mike Gloor also spoke in opposition to Hadley's amendment. He said concerns about a vote of the people should not trump safety considerations.

"Inevitably, there is going to be a flood in this area," Gloor said.

Hadley's amendment failed 18-18, and LB160 advanced to select file 31-11.

## Wind lease standards receive first-round approval

Wind lease agreements offered to landowners would be subject to new standards under a bill advancing to select file April 29.

As modified by a Natural Resources Committee amendment, adopted 38-0, LB568 would limit the life of any wind lease or easement agreement to 50 years. Contracts would be terminated after 10 years if development has not been started, although both parties could mutually agree to contract extensions.

The bill also would require leases to include descriptions of developments intended for a property and plans for decommissioning wind turbines. In addition, the bill would mandate that wind rights not be separated from the land.

LB568 introducer Sen. Annette Dubas of Fullerton said a few unscrupulous wind developers are using coercive tactics to pressure landowners into signing wind agreements that undervalue the land's energy production potential. She said LB568 would offer parameters for wind lease contracts to protect landowners and increase their understanding of the agreements.

"These things are important for us to move wind energy and renewable energy forward," Dubas said.

Wilber Sen. Russ Karpisek agreed that a small number of those purchasing wind rights are offering inadequate leases for extended periods of time.

"Some of them are just out to get the wind rights and then turn around and sell them for a profit," Karpisek

said. "I don't want the citizens of our state to be taken advantage of and sign something that isn't beneficial to them."

LB568 advanced to select file 37-0.

## Retirement

### County and state retirement changes clear second round

Senators amended and advanced a bill April 29 that would make several changes to provisions of the state retirement system. LB188 was introduced by Louisville Sen. Dave Pankonin at the request of the Nebraska Public Employees Retirement System (NPERS).

As amended on general file, LB188 would increase a state patrol plan member's contribution rate from 13 percent to 15 percent of monthly compensation beginning July 1, 2009. The employer contribution rate would remain at 15 percent.

On select file, lawmakers approved a Pankonin amendment on a 37-0 vote that would increase a state patrol plan member's contribution rate to 16 percent of monthly compensation beginning July 1, 2010. The employer contribution rate also would increase to 16 percent.

Pankonin said a 1 percent increase equals approximately \$280,000 and the change will help close a funding shortfall in the state patrol plan.

Among other provisions, LB188 also would extend two timelines for state and county retirement plan members.



Sen. Dave Pankonin



Sen. Annette Dubas



# ISSUES UPFRONT.....

Members who have earned credit in another Nebraska government plan would have 180 days to apply for vesting credit under the bill. The current window is 30 days. The window of opportunity for beneficiaries to file death benefit applications under state and county plans would increase to 180 days from the current 120 days.

The bill also stipulates that state and county members who were employed and participating in a retirement system prior to Jan. 1, 2003, who terminate but return to work after 120 days but before five years have transpired, will be enrolled in the cash balance benefit plan.

LB188 would provide a one-year moratorium on required minimum distributions for members of defined contribution plans who have terminated and reached the age of 70 1/2 in 2009.

The bill also would allow state plan members to transfer an account to a deferred compensation plan after terminating employment.

Finally, the bill would clarify that employee records received by NPERS and used to administer retirement systems would not be subject to the public records act.

Senators advanced LB188 to final reading by voice vote.

and corn when more than 50 percent acquired is intended to fuel irrigation, farming and electricity generation, or is used by a hospital.

Current law exempts, among other energy sources, acquisitions of electricity, coal, gas, fuel oil, diesel, propane, natural gas and butane when the energy is purchased for the aforementioned uses.

Wightman said farmers in his area had traditionally received sales tax exemptions for the wood they purchased for the processing of alfalfa. He said the state Department of Revenue recently began enforcing sales tax collections for these purchases, however, because current statute does not specifically exempt them.

"We're looking at an area that always was exempt in regard to fossil fuels," Wightman said. "We are trying to put [wood and corn] on the same footing as fossil fuels that already have this exemption."

Platte Center Sen. Arnie Stuthman voiced support for the bill. He said the equipment used to process the fuels addressed in the bill would be taxed as property, which would offset the tax exemption.

A Revenue Committee amendment, adopted 36-0, removed the bill's exemption for biofuels, and LB9 advanced to select file 38-0.

## Health care loan forgiveness exemption advances

Health care professionals receiving loan repayments as part of the Rural Health Systems and Professional Incentive Act would be able to exclude their loan repayments



Sen. John Wightman



Sen. Lavon Heidemann

from state income tax under a bill advanced to select file April 30.

LB112, introduced by Elk Creek Sen. Lavon Heidemann, would exclude payments made under a program that offers loan repayments to pharmacists, dentists, physical therapists, occupational therapists, mental health practitioners, psychologists, nurse practitioners, physician assistants and physicians in exchange for serving state-designated shortage areas.

The maximum amount of state financial assistance annually provided through loan repayments ranges from \$10,000 to \$20,000, depending on the health care professional's practice area.

Heidemann said the state loan repayment program was created in 1994 as a way to attract health care professionals to underserved areas that are not eligible as federal shortage areas. Since its inception, however, those benefiting from the program have faced federal and state income tax liabilities for loan forgiveness payments.

"Consequently, a significant portion of the loan repayment is owed to taxes and thus is not available for repayment on the loan," Heidemann said.

LB112 advanced to select file 32-0.

## Revenue

### Wood sales tax exemption for ag use advances

Farmers purchasing wood to fuel their operations would be exempt from sales tax under a bill receiving first-round approval April 28.

LB9, introduced by Lexington Sen. John Wightman, would exempt from sales and use tax purchases of wood

## Transportation & Telecommunications

### Ignition interlock program changes advance

The administration of ignition interlock permits for those convicted of drunken driving would be modified

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under a bill advancing to final reading April 29.

LB497, introduced by Lincoln Sen. Tony Fulton, would make technical changes to legislation passed last year implementing ignition interlock devices to reduce drunken driving recidivism.

After adopting a technical amendment offered by Valentine Sen. Deb Fischer, lawmakers considered an amendment offered by Fremont Sen. Charlie Janssen that would permit those who refuse to submit to a chemical test to apply for an ignition interlock permit 60 days after their license is revoked. This provision would be offered only to those who had not refused an additional chemical test within 12 years.

Janssen said his amendment would offer a "one-time option" for those who refuse a chemical test. Those who refuse a test are still punished to a greater degree, he said, but they would have an opportunity to apply for an ignition interlock permit.

"Prohibiting persons who refuse the chemical test ... certainly jeopardizes that person's ability to work and provide for their family," Janssen said.

Janssen's amendment was adopted 33-0.

Fulton offered an amendment that would reinstate a provision in his original bill that was removed during the course of general file debate. His amendment would discontinue the penalty of impounding driver's licenses of first-time DUI offenders, leaving license revocation as the alternative penalty option.

When a license is revoked, a person can apply for an ignition interlock

permit, Fulton said, and their insurance rates rise significantly. In impoundment cases, those affected can avoid a revocation on their record, he said, although they will have no legal opportunity to drive for six months.

Fulton said impounding licenses does not necessarily deter repeat DUI offenders from driving drunk. Ignition interlock devices, however, will mitigate this risk, he said.

"A guy who doesn't have his license still has the ability to drive drunk," Fulton said. "The problem is not the license, it is the fact that there isn't ignition interlock."

Fischer opposed Fulton's amendment, saying that it would infringe on a judge's discretion in determining whether license revocation is appropriate.

"Judges should have some options and be able to use their discretion in certain instances," Fischer said.

Fulton's amendment failed on a 14-15 vote, and LB497 advanced to final reading on a voice vote.

## Urban Affairs

### Annexation clarification bill amended, advanced

Lawmakers incorporated three additional bills during select file debate April 29 into a measure intended to clarify subdivision property transfers during annexation.

Omaha Sen. Mike Friend said he introduced LB495 to clarify a law passed in 2001 that created confusion regarding ownership of designated streets and public areas during an

annexation process. The bill makes clear that a municipality becomes the owner upon annexation and not upon mere approval of the plat, he said.

Friend offered an amendment consisting of three bills advanced by the Urban Affairs Committee.

LB104, sponsored by Bellevue Sen. Abbie Cornett, would change annexation law for cities and villages in a county with a population of more than 100,000 but less than 200,000. Friend said the bill originally was intended to equalize the annexation process for all classes of cities and villages in Nebraska, but was amended to apply only to those in Sarpy County.

Under the bill, a city or village clerk must send notice by certified mail no later than 14 days before a planning commission hearing on a proposed annexation to listed entities providing energy services to customers in the area proposed for annexation.

LB338, sponsored by Friend, would change regulations relating to weed height in first class cities. The bill originally was intended to lower to 6 inches the height at which a city may declare weeds, grasses or worthless vegetation a nuisance. As amended, the bill would retain the 12-inch height for a first offense, but cities could reduce the height to 8 inches if grasses have been removed at the same location at the city's expense within the same calendar year.

Vegetation planted expressly for weed or erosion control on ground that is vacant or under development would not be subject to nuisance vegetation provisions.

LB647, sponsored by Imperial Sen. Mark Christensen, would require that first and second class cities and villages provide notice to property owners when such property is the



Sen. Tony Fulton



Sen. Mike Friend

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subject of a proposed annexation. Notice must be postmarked at least 10 working days prior to the planning commission public hearing on the proposed annexation. The same notice must be sent by certified mail to the clerk of any sanitary and improvement district that is part of a proposed annexation.

The amendment was adopted 38-0 and LB495 advanced to final reading by voice vote.

## Community improvement grant program advanced

A bill given first-round approval April 28 would establish a new statewide grant program for community improvement projects.

Under LB633, introduced by Sen. Heath Mello of Omaha, the grant program would be administered by the University of Nebraska at Omaha College of Public Affairs and Community Service. Grants would be awarded for projects that benefit a neighborhood, village or second class city. A second class city is one with a population of 800 to 5,000.



Sen. Heath Mello

Eligible grant recipients would demonstrate that a project could be completed in one year, would not duplicate an existing program and would involve residents in its planning, development and execution.

Grant recipients also would be required to provide matching funds or other in-kind contributions in the following amounts:

- 25 percent for a grant up to \$5,000;
- 26 to 49 percent for grants ranging from \$5,001 to \$7,500; or

- 50 percent for grants ranging from \$7,501 to \$10,000.

No grant could exceed \$10,000.

Mello said LB633 would assist volunteers in Nebraska's neighborhoods and small communities with park improvements, main street revitalization and graffiti abatement.

"This bill honors the hard work and service being performed by thousands of Nebraskans," he said.

As introduced, the bill required that the grant program be funded by a one-time, \$500,000 general fund transfer and that an annual report be submitted on or before January 1 of each year to the governor and the Legislature.

Mello offered an amendment, adopted 27-0, that would change the funding to \$125,000 per year over four fiscal years and would sunset the bill on June 30, 2013.

Difficult economic times call for a more modest fiscal impact, Mello said, adding that he would continue seeking alternative funding for the program, possibly from another state cash fund.

"I understand the difficult situation we are in," he said.

A committee amendment, adopted 29-0, would move the date of the annual report back from January to

November. Sen. Amanda McGill of Lincoln said the change would allow time before legislative sessions to review the report and determine if changes to the program or its appropriation are warranted.

Hastings Sen. Dennis Utter said the bill was creative, but questioned its necessity and timing.

"There are numerous programs already, both public and private, that do the same thing this bill will do," he said. "Frankly, we cannot continue asking the state to do for us what we should be doing for ourselves."

Mello said there currently is no state program that provides micro-grants of the sort outlined in LB633, and many projects that would be helped by the bill would not qualify for community development block grants or other funding.

"This does not duplicate an existing program," he said. "I think part of the role of the state is to foster community and economic development."

Ogallala Sen. Ken Schilz supported the bill, saying it would help those working hard to revitalize communities.

"This bill is what we need to get things jump-started," he said.

The bill advanced to select file on a 29-2 vote.



## 2009 Unicam Membership

**2009 Unicameral Membership** is a reference card listing contact information for senators and committees.

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# ISSUES UPFRONT.....

## Sen. Price reports for duty at the Capitol

**A** woodworker, one-time professional actor and current state senator, Scott Price can wear many hats, but the Legislature's representative from District 3 is a military man at heart.

Price said he still remembers the smell of the hot canvas tents at Fort Bliss when his father brought him to Armed Forces Day as a child. Inspired by his father's 20 years of service in the U.S. Army, Price would later serve as a member of the Air Force, where he worked 20 years in the weather field.

Military discipline is evident in committee hearings. Price said his meticulous questioning style is influ-

enced by his experience with the Air Force acquisition review process; he learned early on to pay close attention to details.

"When you are in the business of doing what the military does, you need to be pretty precise," he said.

The idea of running for office first occurred to Price in the early 1990s, but he said he wanted to finish his military career before venturing into state government.

"You pick where you want to engage the issues that you find important. I wanted to have a little more direct position of engagement, and not be on the sidelines," he said.

His election to office was not the

first time Price appeared on the public stage. He has been an extra in movies and was part of a summer-long theatre production in Texas shortly after graduating high school. Titled "Viva El Paso," the show featured multiple vignettes portraying the history of the city.

"I guess that would make me a pseudo-professional [actor] when I was younger," Price said with a laugh, adding that he received no accolades for his performance.

One of his more recent pastimes is woodworking — making pictures frames, shelving, cabinetry and his signature wooden spoons. Price said he finds it "therapeutic to sand the spoon that mom uses to cook with in the dead of winter."

But he said that's as far as his detail craftsmanship goes.

"I'm not the finishing, molding work," Price said. "I'm more of the two-by-four type of person."

Just as a two-by-four is at its best when it is joined with others, Price emphasized that he wants to work with members of the body to prepare for the "tsunami" of challenges that await the state.

"We're all going to have to pull together to do something that is going to be tough, and we'll have our mettle tested." ■



*Sen. Price takes part in a crossbow demonstration at a sportsmen's caucus.*

# CITIZEN VIEWS of the CAPITOL



photo by Karen Hughes, used with permission

Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers. This color photo series is available on the Unicameral Update online at <http://unicameralupdate.blogspot.com>.

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03-23-05

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